

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOOVER & ASSOCIATES, FINANCIAL
SERVICES, INC., et al.,

CASE NUMBER: 11-CV-10051

Plaintiffs,

HONORABLE STEPHEN J. MURPHY, III

v.

ANDREW F. PIRON,

Defendant.

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ORDER TO ADDRESS STAY OF CASE

Plaintiffs Hoover & Associates, Financial Services Inc. ("Hoover") and Frickco Incorporated ("Frickco"), brought this putative class action against Defendant Andrew F. Piron, alleging that Piron violated the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, by sending unsolicited advertisements via fax. In a companion action, State Farm Fire & Casualty Company ("State Farm") sued Piron, Hoover, and Frickco seeking a declaratory judgment that it has no duty to indemnify or defend Piron in the TCPA action, and Hoover and Frickco filed a counterclaim seeking a declaration that State Farm does have those duties. See *State Farm Fire & Casualty Co. v. Piron*, 11-CV-11375. The parties stipulated to stay the TCPA action pending resolution of the companion case. See *Stipulated Order Holding Case in Abeyance*, ECF No. 20. On February 29, 2012, the companion case was dismissed. *Consent Order of Dismissal*, ECF No. 28. The parties agreed that State Farm has no duty to defend or indemnify Piron in the TCPA action. *Id.* Because that issue is resolved, there is no longer any reason for this action to be stayed.

WHEREFORE it is hereby **ORDERED** that within ten days of service of this Order, the parties shall file either a stipulated order lifting the stay, or a notice of voluntary dismissal of the action under Federal Rule of Civil Procedure 41.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 19, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 19, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager